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JC985 U.S. PTO

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JC971 U.S. PTO
09/836561

Docket # PF-0333-2 DIV

"Express Mail" mailing label number E1 856 154 676 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on April 16, 2001.

By: Nancy Ramos

Printed: Nancy Ramos

#46A
8/14/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/212,168, filed on December 15, 1998, entitled **HUMAN EXTRACELLULAR MATRIX PROTEINS**.

1. Enclosed is a specification corresponding to the prior application, U.S. Application Serial No.09/212,168, filed on December 15, 1998 including the oath or declaration as originally signed, which is a divisional of U.S. Application Serial No. 8/884,072, PATENT NO. 5,872,234 filed June 27, 1997. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No.09/212,168, filed December 15, 1998, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No.09/212,168 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. Cancel in this application original claims 28-40 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention

disclosed herein which is not set forth in the instantly filed claims.

4. The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Neil C. Corley, and Karl J. Guegler.
5. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on April 14, 1998 and the substitute declaration filed on October 1, 1998 is enclosed.
6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/212,168, filed December 15, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee
				Fee	\$710.00	
Total Claims	27	-20	7	x \$18	126.00	\$126.00
Indep. Claims	1	-3	0	x \$80		\$ 0
<u>Multiple Dependent Claim(s), if any</u>				+ \$270		\$ 0

TOTAL FILING FEE \$ 836.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. Please charge Deposit Account No. 09-0108 in the amount of \$ 836.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10. New formal drawings are enclosed.
11. The prior application is assigned of record to Incyte Pharmaceuticals, Inc, recorded on April 30, 1998, at reel 9166/frame 0277.
12. A preliminary amendment is enclosed.
13. Also enclosed: Return Postcard, Information Disclosure Statement and List of Cited References (1449), and copies of the previously submitted Declaration and Power of Attorney

and substitute Declaration and Power of Attorney.

14. The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Matthew R. Kaser	Reg. No. 44,817
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
Stephen Todd	Reg. No. 47,139
Christopher Turner	Reg. No. 45,167
Peng Ben Wang	Reg. No. 41,420

The associate power of attorney in the prior application is to:

- a. An associate power of attorney is attached.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 16th April 2001

By:


Matthew R. Kaser, D.Phil.
Reg. No. 44,817
Direct Dial Telephone: (650) 845-4596

Inventor(s)

Assignee of complete interest

Attorney or agent of record

Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) _____